

# TURNBULL FILES CONTEST PETITION

(Continued From Fifth Page.)

upon the face of the certificates themselves. Some of the informalities just alleged appear in the certificates from precincts and wards in which your petitioner received a majority of the votes, as well as from those in which the said Walter A. Watson received a majority of the votes, all of which will emphasize the error of the ruling of this committee in refusing to cause the canvass to be made from the poll books themselves, so that the actual facts might be ascertained and the true result declared after such corrections had been made in the returns as are allowable by law, and such returns as could not be corrected, so that the true result thereof might be ascertained, had been rejected, and, on his part, your petitioner desires that such canvass, correction and, if necessary, rejection of illegal returns be made, fairly and impartially, without regard to the result as it may apply to him.

4. That at Amelia Courthouse Precinct, in Amelia County, William Hall and Isaac Noble, two paupers, were permitted by the judges of election to vote for the said Walter A. Watson, in said primary election, notwithstanding they were paupers and disqualified to vote by section 23 of the Constitution of Virginia.

Big Vote in Nottoway.  
7. Your petitioner calls attention to the fact that the county of Brunswick, in which he resides, has a considerably larger voting population than the county of Nottoway, in which the said Walter A. Watson resides. In the presidential election of 1908 there were polled for the Democratic electors in said Nottoway County only 481 Democratic votes, and for the Republican presidential electors there were polled 118 votes, almost one-fifth of the aggregate vote; in the gubernatorial contest of 1909 there were polled in Nottoway County, the home of the Democratic nominee for Governor, a man of unusual popularity in his own county, only 528 Democratic votes; in the congressional election of 1910 there were polled in the said county only 245 Democratic votes. In the latter case, however, there was no opposition to your petitioner, who was the nominee of the Democratic party.

In Possession of Watson.  
Your petitioner is informed that in the said county of Nottoway on the said 21st day of September, 1912, there was held a special election also, for the determination of the location of the courthouse of said county, which election excited considerable interest and brought to the polls a considerable portion of the voting population of said county, regardless of color or political affiliation; and, in view of the fact that the published reports showed that there was only a difference of twenty-six between the number of votes cast in said special election and the number reported to have been cast in said primary election, your petitioner having been denied access to the poll books of said primary election by the action of your committee, and believing that he would be able to ascertain from the official poll books, which must have

been kept in said special election, the class of persons who were permitted to vote in said election, so as to give to the said Walter A. Watson the unusually large vote which he is accredited with from said county, applied through his agent to the clerk of the Circuit Court of said county of Nottoway for the privilege of inspecting the poll books kept in said special election, when, to his surprise, his agent was informed by said clerk that even the official poll books in the special election could not be exhibited to him for the reason that they were in the possession of Mr. Hunter H. Watson, attorney at law, and brother of the said Walter A. Watson, who, the clerk stated, had all the papers in his possession in connection with said special election, for the purpose of formulating the necessary papers incident to a contest of the legality of said special election, so that, unless your petitioner is mistaken in the information which he has received, and upon which this allegation is based, it would seem that in Nottoway County every avenue of information has been closed against your petitioner; and the pregnant fact also appears that the validity of the said special election in which the same electors participated, is, according to this information, being assailed by the citizens of Nottoway County themselves.

8. Your petitioner further alleges that since the foregoing portion of this petition had been written, J. W. Bailey, one of the judges of election who conducted the primary election held on said 21st day of September, 1912, at Edmund's Store Precinct, in the county of Brunswick, has made an affidavit, respecting the manner in which the said primary election was conducted at the said precinct, which affidavit is hereby adopted by your petitioner and made a specific allegation of this petition, and is in the following words:

"State of Virginia, County of Brunswick, to-wit:  
"I, J. R. Owens, a notary public, in and for the county aforesaid, in the State of Virginia, do hereby certify that J. W. Bailey this day personally appeared before me in my county aforesaid and made oath that he is one of the judges of election appointed to conduct the congressional primary election at Edmund's Store Precinct, in the county of Brunswick, Va.; on September 21, 1912, and that when a person offered to vote at said primary election he first ascertained whether he was registered and had paid the poll tax, or, if he was an old soldier, he did not require any payment of the poll tax, and the affiant further stated under oath:

"I then put to each person offering to vote two questions, the first being 'Are you a Democrat?' and the second, 'Will you support the nominee of this primary?' Unless they answered both of these questions in the affirmative, we would not allow them to vote. I was the judge of election who put the questions to the persons offering to vote. In consequence of this ruling on the part of the judges, I recall that F. J. W. Hawthorne, C. E. Jones, A. S. Hawthorne, M. L. Lafoon and G. S. Daniel, who desired to vote for Robert Turnbull as nominee of the Democratic party in said primary, were refused the right to vote in said primary by the judges of election at said precinct. I will go further and say that to the best of my knowledge and belief, if these men had not been denied the right to vote, at least twenty (20) other persons would have

voted for Mr. Robert Turnbull at Edmund's Store Precinct, who were similarly situated, but whether or not they had all voted for the Democratic nominee for the House of Delegates in the last general election, I am unable to say. Mr. F. J. W. Hawthorne told me this morning that he did vote in the next preceding general election for the Democratic nominee for the House of Delegates, and would have voted but for this ruling. I will further state that in making what I now see was an erroneous ruling, I was misled by the words in the instruction to the judges sent out by the district chairman, under the head, 'Who may vote.' 'All lawful Democratic voters.' 'The affiant further stated that since

the said primary election he ascertained that the same rule was not applied in the county of Nottoway and stated in conversation with Mr. H. H. Seay, one of the judges of election at Blackstone Precinct, in Nottoway County, I was informed by Mr. Seay that H. L. Jackson, the negro chairman of the Progressive party in that county, was allowed to vote for Walter A. Watson, and that he, Mr. Seay, requested the said negro, Jackson, to vote in said primary for the said Walter A. Watson. Given under my hand this 3d day of October, 1912. My commission expired December 11, 1915.  
(Signed)  
"J. R. OWENS,  
Notary Public."  
Erroneous Instructions.  
Your petitioner further alleges that

not only has he been prejudiced by the erroneous instructions given to the judges of election by this committee, and the unjust and illegal discrimination practiced by said judges of election as heretofore alleged, but facts have come to your petitioner from the most reputable sources which justify him upon information and belief in charging that he was fraudulently deprived of three (3) legal ballots cast for him at Monks Neck Precinct, in Dinwiddie County. In support of this allegation your petitioner charges that at said precinct he received nine (9) votes, the said nine votes being cast by the following persons, who were qualified in all respects to vote in said primary election, namely: D. P. Wilkinson, D. H. Wilkinson, J. P. Higgins, T. B. Scott, B. T. Scott, G. W. Chappell, J. E. Norris, E. H. Chambers and R. E. Major. At the closing of the polls it was ascertained that only thirty-one (31) votes had been cast at said precinct, but after the ballot box was opened it was ascertained that thirty-four (34) ballots had been deposited in said ballot box, and to solve the difficulty with which they were confronted, the judges of election at said precinct summarily and illegally destroyed three (3) of the ballots which had been lawfully cast for your petitioner at said precinct.

"Your petitioner alleges what must be apparent to this committee that in making this contest he is greatly prejudiced and embarrassed by what he regards as the erroneous ruling of this committee in refusing to require that the result of said election as appearing from the poll books should be canvassed, and that the poll books should be laid open for public inspection, and he has been thereby deprived of the means of ascertaining definite information with respect to many matters pertaining to said election and appearing from said poll books necessary to enable him to specify in detail the various grounds of contest upon which he relies. He, therefore, respectfully insists that his legal rights as a citizen of this Commonwealth be granted him by this committee, and that the said poll books and ballots be opened and inspected by their committee, and a record of the vote appearing from said poll books and ballots be had, but without prejudice to his right to insist upon the irregularities, errors and frauds heretofore alleged, or any others which may be developed in the progress of this contest after the said poll books and ballots have been opened and inspected as impeaching the result of said primary election, as it may appear from the face of the returns as shown by an inspection of the said poll books and ballots.

Entitled to Two Rights.  
Your petitioner insists that he is entitled by virtue of the Constitution and laws of this State to these two rights: First, to require that the result of said primary election, as shown by the poll books, be first duly canvassed, and the result ascertained therefrom, before this committee, acting in the capacity of a canvassing board, is authorized to award a certificate of nomination to either candidate; and, second, to impeach the returns so made for illegality or fraud before this committee, sitting as a judicial tribunal to hear and determine this contest upon any and all of the grounds heretofore alleged, and upon any other grounds which may be developed after said poll books and ballots have been opened and produced for inspection.

In consideration of the premises, your petitioner respectfully requests your honorable committee to convene at an early date as possible in view of the short time before the regular election, to hear and determine this contest; that the said poll books and ballots used in said primary election be required to be produced before your committee; that they be opened and inspected and canvassed, and that all such evidence may be heard by your committee as will be admissible upon the issues tendered by this petition. And your petitioner indulges the hope that this request will be joyfully to the said primary election, persistently proclaimed his unwillingness to accept the nomination unless the same were in all respects a fair expression of the wishes of the electors of said Fourth Congressional Dis-

# The King Again Proclaims



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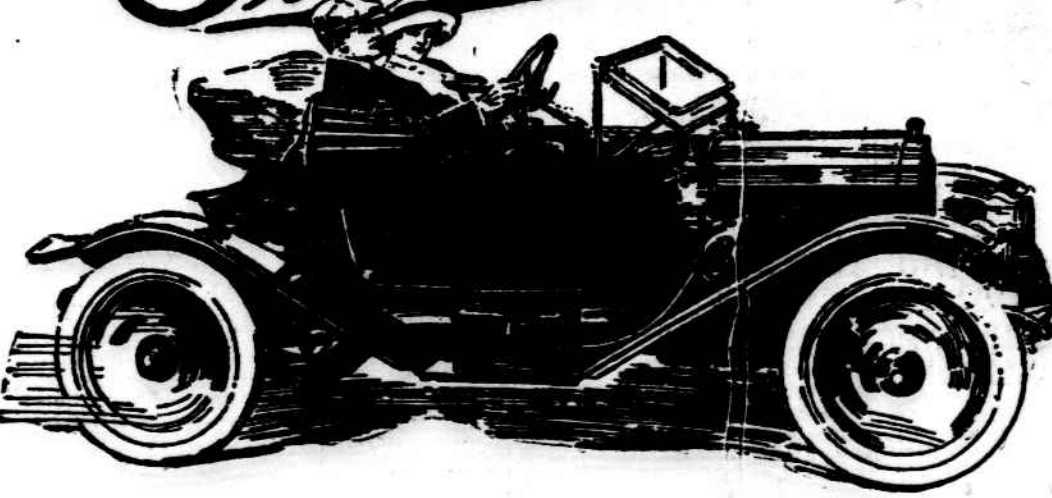
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trick, qualified to vote and participate in said primary.  
Respectfully submitted,  
R. TURNBULL,  
Petitioner.

### ROAD COMPLETELY TIED UP

Augusta, Ga., October 5.—Repeated acts of violence, in which the lives of the Georgia Railroad employees were placed in jeopardy, late to-day resulted in orders being issued to the members of the Brotherhood of Locomotive Engineers not to operate any trains on that road "until adequate" protection is furnished. The order was issued by Fred A. Burgess, assistant grand chief of the brotherhood, after an exchange of notes with General Manager T. K. Scott, of the Georgia road. Later he modified the order, permitting any engineer to go out at his own risk. The situation to-day became so critical that Mr. Scott telegraphed Governor Brown, urging him to instruct the sheriffs and mayors along the line to use extra diligence and see that order is maintained. The Governor replied that as there was no demand for martial law he had no authority to take the initiative in such a matter. The afternoon passenger trains starting from both Augusta and Atlanta, it is stated, will be taken to their destinations, but it is expected that no more trains will be started for the present. Further efforts at mediation were low their accustomed routes.

made to-day by United States Labor Commissioner Charles P. Neill, but without result. The chief trouble to-day developed at Union Point, where several trains on passenger trains were badly beaten by strike sympathizers. Freight trains started from Atlanta and Augusta were run onto sidings, switches locked and trainmen driven off. Sheriff Hixon, of Greene County, has declined, it is said, to go to Union Point and protect railroad property at the request of General Manager Scott.

## BIG STATE FAIR STAGED AND READY

(Continued From First Page.)

will be in place and every amusement enterprise able to rig its web and station its speler will be making hay early. Beginning early in the morning the Virginia Railway and Power Company will run all its cross-town cars to the Fair Grounds. The Broad and Main, Clay Street, Main Street, Oakwood and Broad and Broad and Twenty-fifth Street lines will all run there without change. Returning, all cars will follow their accustomed routes.

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